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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

VICTOR MARTINEZ, et al.,

Defendants.

1:20-cr-00213 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On July 26, 2021, Defendant Victor Martinez was sentenced to a term of 72 months of imprisonment for his conviction, following a guilty plea, for participating in a conspiracy to distribute and possess with intent to distribute mixtures and substances containing 28 grams or more of mixtures and substances containing a detectable amount of cocaine base or “crack” and mixtures and substances containing a detectable amount of cocaine, in violation of Title 21 United States Code § 846 and 841(b)(1)(B). The Defendant’s sentencing guidelines range was 87 months to 108 months of imprisonment based on an offense level of 29, a criminal history category of I, and a statutory maximum sentence of forty years.

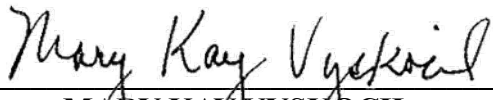
Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments

retroactive effective November 1, 2023. Defendants whose requests are granted could not have been released from prison before February 1, 2024.

On February 14, 2024, the Defendant filed a *pro se* motion for reduction in his sentence [ECF No. 290]. Accordingly, IT IS HEREBY ORDERED that by **February 21, 2024** the government shall file a letter stating its position on the motion for reduction of the Defendant's sentence.

SO ORDERED.

Date: February 14, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge